

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

JAMIESON PICKENS AND
JENNIFER PICKENS

Plaintiffs,

v.

TEK-COLLECT INCORPORATED

Defendant.

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CIVIL ACTION NO.

PLAINTIFFS' ORIGINAL COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW Jamieson Pickens and Jennifer Pickens, Plaintiffs in in the above-numbered and styled case, complaining of and against Tek-Collect Incorporated, and for cause of action would respectfully state the following:

I.
INTRODUCTION

1. This is an action for damages brought by individual consumers alleging that Tek-Collect Incorporated has violated the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

II.
JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 15 U.S.C. §1692(k)(d) and 28 U.S.C. §1337. Venue in this District is proper in that the Defendant transacts business here and/or the conduct complained of occurred here.

III.
PARTIES

3. The Plaintiffs, Jamieson Pickens and Jennifer Pickens, reside at 6705 Echo Canyon Drive, McKinney, Texas 75070.

4. The Defendant, Tek-Collect Incorporated (hereinafter “Tek”), is a third-party collection agency collecting on behalf of the City of Waterloo, Illinois. Tek is an Ohio foreign corporation that may be served at its registered agent, Registered Agents Legal Services, LLC, 1220 N. Market Street, Suite 806, Wilmington, Delaware 19801.

5. The Defendant Tek is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692(a)(6)

IV.
FACTUAL ALLEGATIONS

6. On July 20, 2012, Tek sent to the Plaintiffs a “Balance Verification” for Account No. 042-00092-04 indicating a balance due in the amount of \$111.63. (Exhibit A)

7. On July 30, 2012, counsel for Plaintiffs sent Tek a representation and cease and desist letter on behalf of the Plaintiffs. (Exhibit B)

8. On October 3, 2012, Tek sent to the Plaintiffs a “Balance Verification” for Account No. 042-00092-04 indicating a balance due in the amount of \$111.63. (Exhibit C)

9. On September 19, 2013, Tek sent to the Plaintiffs a “Balance Verification” for Account No. 0420009206 indicating a balance due in the amount of \$126.25. (Exhibit D)

10. There is a discrepancy in accounts numbers: 042-00092-04 and 0420009206.

11. The Plaintiffs contend that the debt Tek is attempting to collect is not their debt. Plaintiffs moved from the City of Waterloo in July 2011 and requested that all utilities be shut off as of August 1, 2011.

12. Subsequent to Plaintiffs moving from the City of Waterloo, a potential buyer moved into the premises and they, or a representative, requested the utilities be turned on. The City apparently mistakenly billed the Plaintiffs instead of the potential buyer. The potential buyer backed out of the purchase and the City of Waterloo billed the Plaintiffs. Again, the Plaintiffs requested that the utilities be turned off and have not requested the utilities be turned on since leaving the City of Waterloo in July 2011.

13. The utilities are for the residence that Plaintiff's previously resided in and, therefore, were incurred for personal and household use for purposes of the FDCPA.

14. According to Tek's website, Tek provides business owners with comprehensive accounts receivable management, collections and customer retention services. Tek "has access to over 6,000 collection professionals and a national pool of litigation services." Tek puts "technology to work to general maximum recovery results." Tek, therefore, is a debt collector within the meaning of the FDCPA.

V.
CAUSES OF ACTION

COUNT I
FAIR DEBT COLLECTION PRACTICES ACT VIOLATIONS

15. Plaintiff incorporates paragraphs 1-14 above.

16. Tek violated the FDCPA by improper and abusive communication with Plaintiffs regarding the purported debt in violation of 15 U.S.C. §1692c(a)(2) and §1692c(c).

17. Tek violated the FDCPA by unfair practices in violation of 15 U.S.C. §1692f(1) in attempting to collect amounts not owed by Plaintiffs.

18. As a result of these violations of the FDCPA, Tek is liable to the Plaintiffs for actual damages, statutory damages, and costs and attorneys' fees.

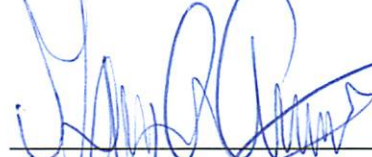
VI.
PRAYER

WHEREFORE, Plaintiffs respectfully pray that judgment be entered against Tek for the following:

- A. Actual damages;
- B. Statutory damages pursuant to 15 U.S.C. §1692(k)(a).
- C. Costs and reasonable attorneys' fees pursuant to 15 U.S.C. §1692(k)(a)(3), including fees in the event of appeal; and
- D. Such other and further relief as may be just and proper.

Respectfully submitted,

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